

AMENDED IN ASSEMBLY MAY 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 497

Introduced by Assembly Member Block

February 24, 2009

An act to ~~amend Section 21058 of~~ *add Section 21655.11* to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 497, as amended, Block. Vehicles: high-occupancy vehicle lanes: used by physicians.

Existing law authorizes a physician when traveling in response to an emergency call to be exempt from certain speed limit requirements, as specified, if the vehicle being used by the physician displays an insignie approved by the Department of Motor Vehicles *the California Highway Patrol* indicating that the vehicle is owned by a licensed physician.

Existing law permits the Department of Transportation and local authorities, with respect to highways under their respective jurisdictions, to authorize exclusive use of highway lanes for a high-occupancy vehicle (HOV). *The unauthorized use of an HOV lane is an infraction punishable by specified fines.*

~~This bill would permit a physician to travel in HOV lanes, when traveling in response to an emergency call, regardless of the number of occupants in the vehicle, if that physician displays the insignie approved by the Department of Motor Vehicles.~~

This bill would authorize the Department of Transportation and local authorities to also permit exclusive or preferential use of high-occupancy vehicle lanes by a vehicle driven by a physician if the vehicle is driven by a physician in response to an emergency call and

the vehicle displays the insignia approved by the Department of the California Highway Patrol. The exemption from certain speed limit requirements would not apply to the use of an HOV lane by a physician under this provision.

The bill would also increase the fines for the unauthorized use of an HOV lane in violation of this provision. The bill would provide that this provision only applies if the Director of Transportation determines that the application would not subject the state to a loss of federal aid for highways.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 21655.11 is added to the Vehicle Code,*
2 *immediately following Section 21655.9, to read:*
3 *21655.11. (a) The Department of Transportation and local*
4 *authorities, with respect to highways under their respective*
5 *jurisdictions, may authorize or permit exclusive or preferential*
6 *use of high-occupancy vehicle lanes by a vehicle driven by a*
7 *physician who is traveling in response to an emergency call, if the*
8 *vehicle used by the physician displays an insignia approved by the*
9 *Department of the California Highway Patrol indicating that the*
10 *vehicle is owned by a licensed physician.*
11 *(b) A physician who is found to be driving in a high-occupancy*
12 *lane and is not traveling in response to an emergency call or a*
13 *person who is found to be using the insignia and is not a licensed*
14 *physician, is guilty of an infraction.*
15 *(c) Notwithstanding Section 42001.11, a person convicted*
16 *pursuant to subdivision (b) shall be punished as follows:*
17 *(1) By a fine of two hundred dollars (\$200).*
18 *(2) For a second infraction occurring within one year of a prior*
19 *infraction that resulted in a conviction, a fine of four hundred*
20 *dollars (\$400).*
21 *(3) For a third or subsequent infraction occurring within one*
22 *year of two or more prior infractions that resulted in convictions,*
23 *a fine of five hundred dollars (\$500).*
24 *(d) This section does not relieve the driver of the responsibility*
25 *of complying with all traffic rules and regulations, including, but*
26 *not limited to, speed limits, changing lanes, and use of signal*

1 *lamps. The exemption contained in Section 21058 shall not apply*
2 *to a vehicle using a high-occupancy vehicle lane pursuant to this*
3 *section.*

4 *(e) This section shall only apply if the Director of Transportation*
5 *determines that the application will not subject the state to a*
6 *reduction in the amount of federal aid for highways.*

7 ~~SECTION 1. Section 21058 of the Vehicle Code is amended~~
8 ~~to read:~~

9 ~~21058. A physician traveling in response to an emergency call~~
10 ~~shall be exempt from Sections 21655.5, 22351, and 22352 if the~~
11 ~~vehicle so used by the physician displays an insignia approved by~~
12 ~~the department indicating that the vehicle is owned by a licensed~~
13 ~~physician. The provisions of this section do not relieve the driver~~
14 ~~of the vehicle from the duty to drive with due regard for the safety~~
15 ~~of all persons using the highway, nor protect the driver from the~~
16 ~~consequences of an arbitrary exercise of the privileges of this~~
17 ~~section.~~